

Remarks

Claims 1, 3, 5-10, 12, 14-34 are active. Claims 2, 4, 11 and 13 are canceled. Claims 31-34 are new. Claims 1, 3, 6, and 14 are rejected under 35 USC 102 as being anticipated by Hancock '771. Claims 15, 19-22 and 25-29 are rejected under 35 USC 103 as being unpatentable over Hancock in view of Ruegg '952. Applicants note with appreciation that claims 5, 7-12, 16-18, 23 and 24 are deemed to contain allowable subject matter.

Amendment is made to certain of the claims in the interest of clarity and consistency and to improve their form and to delete unnecessary terminology. No new matter is introduced. For example, in claim 1, the term 'insert' has no antecedent basis. Other terms of this claim are deleted as being unnecessary or which are improved upon. Similar amendments are made to others of the claims.

Amended claims 1, 3, 5-10, 12, 14-30 and new claims 31-34 are presented for the Examiner's reconsideration.

Applicants traverse the rejection of claim 1 as being anticipated by '771 to Hancock. However, amendment is made to this claim to improve its form and to further include description corresponding to the original filed claim showing that '771 not only does not anticipate this claim, it does not suggest or otherwise make this claim obvious. Applicants traverse the rejection of this claim as applicants believe that this claim is not properly construed in the Office Action. The original filed claim must be properly construed. Once so construed then the elements of the '771 reference must also be properly construed in view of the plain meaning of the claim elements. The so construed claim elements need to be compared to the so construed reference structure. Such a process shows that the '771 reference does not anticipate nor suggest original or amended claim 1.

Claim 1 prior to amendment herein called for:

a body defining said chamber therein having a longitudinal axis defining a longitudinal direction,

a plurality of resilient fingers positioned in the chamber and extending in a direction toward each other in the longitudinal direction (underlining added)

In construing these terms, the chamber has a longitudinal axis (axis 2, Fig. 3, Exhibit B attached hereto, sheet 2 of applicants' figures) which defines longitudinal directions, arrow Z, marked in red ink. The fingers are fingers 24, 26, 28, and 30. The claim calls for the fingers to extend in a direction toward each other in a longitudinal direction (one of directions z). This means that the finger 26 extends in one of directions z toward the finger 30 or the finger 24 extends in one of longitudinal directions z toward the finger 28 or vice versa. This is not what occurs in Hancock '771.

The Action states that '771 defines a chamber which has a longitudinal axis that defines a longitudinal direction, referring to figures 6 and 7. The Action does not further state how it defines this longitudinal direction in connection with Fig. 6. In Fig. 6 of the '771 reference, Exh. A attached, the longitudinal axis being referred to is believed to be as noted in red ink as axis B as no other axis is believed relevant. It is assumed that axis B is intended by the Action to be the longitudinal axis of the referred to chamber [chamber C as marked in red ink] as axis B is coincident with the plane of the strap 10 which passes through the chamber C. The longitudinal direction is represented by the double ended arrow D (red ink) as defined by axis B. The fingers in the Action are designated as 40 and 44, Fig. 6, and are marked in yellow. The Action states that the fingers 40 and 44 extend in a direction toward each other in the longitudinal direction. This is not correct and is not reasonably based on the disclosure of Fig. 6 of '771.

If the longitudinal direction in Fig. 6 is the directions of arrow D, then the finger 40 is shown extending in direction D', in the direction of its cantilever from the primary structure (marked in pink) due to respective slots S, S' of the fingers 40, 44.

In a similar context, the finger 44 extends in a longitudinal direction D'' opposite to direction D' as the finger 44 is cantilevered by slot S' and thus extends in direction D'' due to this slot S'. Therefore, reasonably, the fingers 40 and 44 extend in opposite directions D' and D''. However, these fingers do not extend toward each other as claimed in view of the plain meaning of the terms and applicants' specification. The specification is the intrinsic evidence to which one of ordinary skill would look for a definition of the terms used as explained above in connection with applicants' Fig. 3. Claims are not read in a vacuum as the Fed. Circuit has repeatedly stated. Plainly, the fingers 40 and 44 do not extend toward each other in directions D, and also do not extend toward each other in a radial direction normal to directions D, as their serrated teeth, which form the operational structure of the fingers substantially do not overlap, i.e., extend toward each other. Regardless of such radial overlap, the radial direction is not the longitudinal direction as claimed, but perpendicular to it. The fingers 40, 44, at best, only extend toward each other, if at all, in a direction normal to or inclined to, the claimed longitudinal direction. Claim 1 prior to amendment herein is neither anticipated by nor suggested by Hancock '771.

However, amended claim 1 calls for the longitudinal direction as being defined by the longitudinal axis and also the respective fingers extend not only toward each other in the longitudinal direction, but are also aligned with each other in this direction. The fingers 40 and 44 do not extend toward each other and plainly are not aligned with each other in the so called longitudinal direction of axis B, Fig. 6, of Exhibit B as marked up in red ink.

The remaining references have been carefully reviewed and are believed equally foreign.

Amended claim 1 is believed allowable.

Claims 25, 29 and 30 include similar structure as in claim 1 discussed above and are believed allowable for at least similar reasons.

Claim 31 includes the structure of claim 6 rewritten in independent form. Claim 31 differs from claim 6 by reason of the amendment to claim 1 from which claim 6 depends. Claim 31, as does claim 6, calls for the top and bottom fingers being mirror images of each other. The Action asserts that the fingers 40 and 44 of '771 are in mirror image relation. This is not true. See Exh. A enclosed, Fig. 7, which is amended as shown in red ink to show what a mirror image finger 44' of finger 44 would look like. Compare finger 44' to figure 6 finger 40. The mirror image finger in red ink, finger 44', Fig. 7, is oriented in the opposite direction as finger 40 of Fig. 6. Finger 40 is not a mirror image of Finger 44 and vice versa.

The term "mirror image" is commonly used and means that if a mirror were placed on the line A in Fig. 7 of Exh. A with the plane of the mirror normal to the drawing sheet plane, the finger 44 would appear be reflected by the mirror as an image in the mirror as shown in red ink as finger 44' and not as finger 40, Fig. 6. This claim is not suggested much less anticipated by '771. The remaining references are also believed equally foreign to claim 6 and to new claim 31. For these reasons claim 31 and present claim 6 are believed allowable.

Claim 32 includes the allowable subject matter of claim 5, claim 33 includes the allowable subject matter of claim 7, and claim 34 includes the allowable subject matter of claim 23. However, the intervening subject matter of claim 7 is not included as this subject matter is not deemed allowable in the Office Action and thus is believed not essential to

the allowability of this claim. Other terms of the original claims deemed allowable are also amended to improve the form of the claims and to eliminate non-essential terms. These new claims are believed allowable.

The remaining claims are dependent, and depend from an allowable independent claim, include all of the structure therein and are believed allowable for at least the same reasons as the independent claims from which they depend.

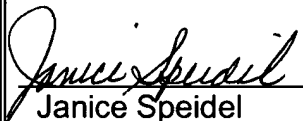
Since claims 1, 3, 5-10, 12, 14-34 have been shown to be in proper form for allowance such action is respectfully requested.

A separate letter is enclosed showing the calculation of the fee for the added claims. Enclosed is a check in the amount of \$800 to cover the four added independent claims. The Commissioner is authorized to respectively charge or credit deposit account 03 0678 for any under or overpayments in connection with this paper.

FIRST CLASS CERTIFICATE

I hereby certify that this correspondence is being deposited on the date set forth below with the U.S. Postal Service as First Class Mail, postage prepaid, in an envelope addressed to:

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 June 2, 2005
Janice Speidel Date

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Exh A

U.S. Patent

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Sheet 2 of 5

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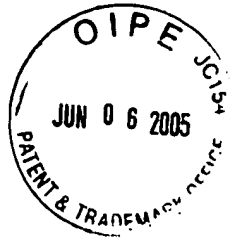


FIG. 5

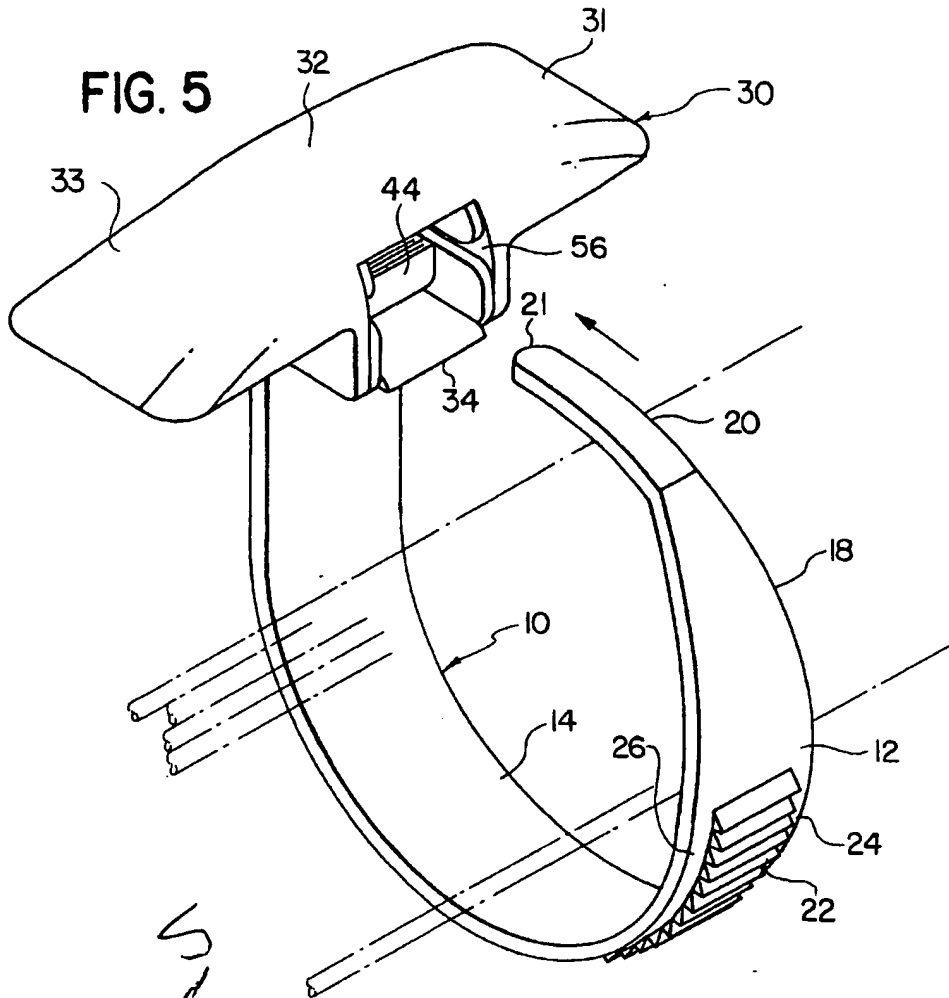


FIG. 6

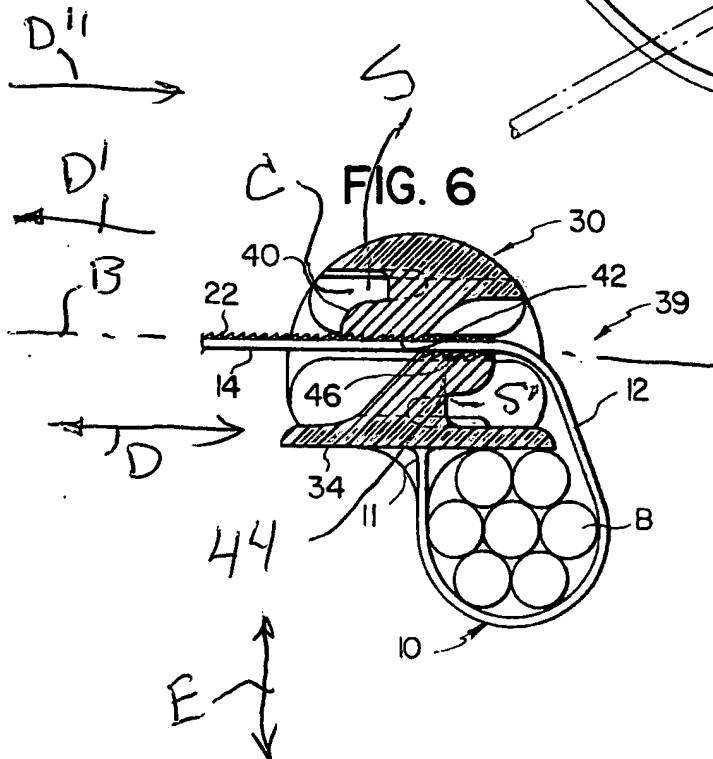
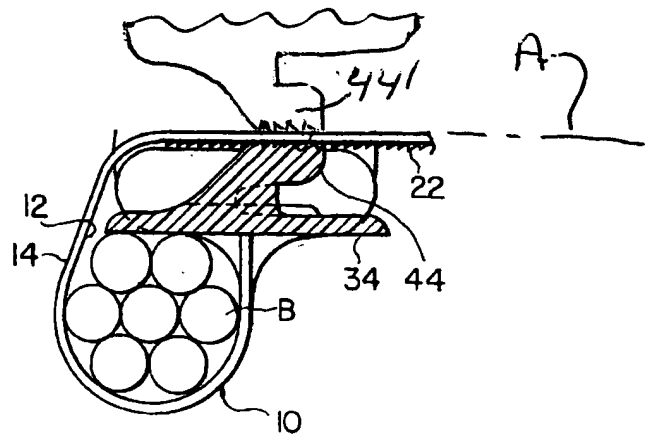


FIG. 7



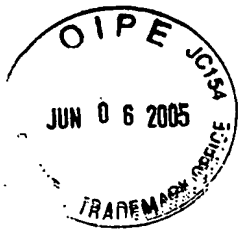


Exhibit B

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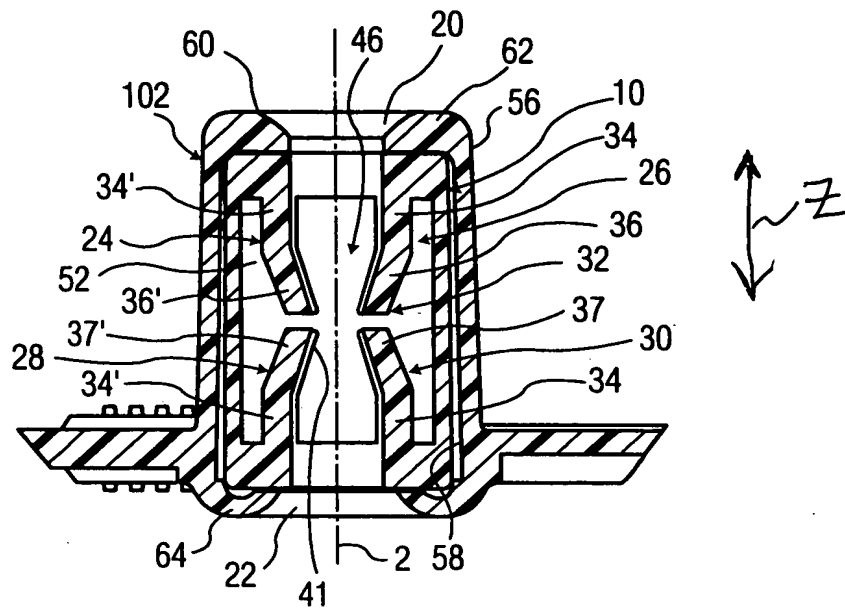


FIG. 3

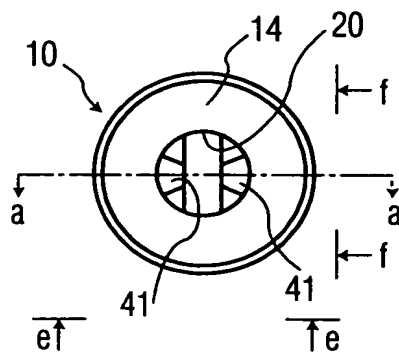


FIG. 4